

REMARKS

In the December 24, 2009 Office Action, the drawings stand specification stands objected to as failing to provide proper antecedent basis for the claimed subject matter. Claim 1 is objected to as containing wording that does not read correctly. Claims 2-5 and 13 stand rejected under 35 U.S.C. § 112 as indefinite and as claiming structure that is unclear. Claims 1-10, 14 and 18 stand rejected under 35 U.S.C. § 102 as anticipated by German Patent DE 4315029 to Schmidt et al. ("Schmidt"). Further, claims 1-5 and 7-17 stand rejected under 35 U.S.C. § 102 as anticipated by European Patent EP 694441 to Stemmler ("Stemmler"). In light of the following remarks, all pending claims are allowable.

Drawings Objection

In response to the objection to the drawings, applicant will submit formalized drawings containing lines that are durable, clean, sufficiently dense and dark, and uniformly thick and well-defined.

Specification Objections

The USPTO objects to the specification as failing to provide antecedent basis for the term "eyelet" as recited in claim 13. This objection, however, is improper. Paragraph 35 of the specification states "the strap assembly 31 includes a strap 32 having an eyelet portion 21." Further, an example embodiment of the eyelet portion 21 is illustrated in the drawings, for example Figures 1 and 3. Therefore, Applicant respectfully requests that the objection to the specification be withdrawn.

Claim Objections

The USPTO objects to the phrase "the cover being releasable relative for movement to" in claim 1. In response to this objection, claim 1 is amended to recite "the cover being releasable

for movement relative to.” Therefore, Applicant respectfully requests that the objection to claim 1 be withdrawn.

35 U.S.C. § 112 Rejections

The USPTO rejects claim 2 under 35 U.S.C. §112 as failing to define the scope of the phrase “captively attached.” In response, the phrase “captively attached is amended to “attached.” Therefore, Applicant requests that the rejection of claim 2 be withdrawn.

The USPTO rejects claim 13 under 35 U.S.C. §112 as failing to define the scope of the term “eyelet.” The term “eyelet,” as used in the context of this application, is known in the art to refer to a type of opening. The drawings further provide an example illustration of an eyelet shown in at least Figures 1 and 3. Moreover, as claim 13 has been canceled, the present rejection is no longer applicable.

Claims 1-10, 14 and 18 Are Patentable Over Schmidt

Independent claim 1 is amended to recite “a threaded portion, a securing member connected to said threaded portion, an eyelet opening in said securing member for engaging said vehicle roof, and a threaded shaft to engage said threaded portion,” and “wherein said securing member is tensioned to inhibit relative movement between the vehicle and assembly.” Schmidt does not disclose these features. Instead, Schmidt discloses a roof bar integrally connected with a base 16 that slidably engages a mounting bar 2. (See Figs. 2 and 7 of Schmidt.) Schmidt, however, does not disclose a securing member that is tensioned to inhibit movement between the vehicle and the assembly, as recited in claim 1. For at least this reason, independent claim 1, and dependent claims 2-10, 14 and 18, are patentable over Schmidt.

Claims 1-5 and 7-17 Are Patentable Over Stemmler

Independent claim 1 is amended to recite “a threaded portion, a securing member connected to said threaded portion, an eyelet opening in said securing member for engaging said vehicle roof, and a threaded shaft to engage said threaded portion,” and “wherein said securing member is tensioned to inhibit relative movement between the vehicle and assembly.” Stemmler does not disclose these features. Instead, Stemmler discloses a roof bar secured to a base by a nut 14 and bolt 15 assembly. The nut and bolt assembly does not include a securing member connected to a threaded portion, as required by claim 1. Moreover, Stemmler does not disclose a securing member having an eyelet opening for engaging the vehicle roof, as recited in claim 1. For at least these reason, independent claim 1, and dependent claims 2-5, 7-10, 12, 14-16, and 18, are patentable over Schmidt.

Conclusion

In light of the foregoing, Applicant submits that the application is now in condition for allowance. If the Examiner has any questions pertaining to the above, then the undersigned attorney would welcome a phone call to provide any further clarification.

Respectfully submitted,

Date: April 26, 2010

/David B. Cupar/
David B. Cupar
Reg. No. 47,510
McDonald Hopkins LLC
600 Superior Avenue, E., Suite 2100
Cleveland, OH 44114-2653
(216) 430-2036